

MINUTES

RILEY COUNTY BOARD OF ZONING APPEALS

**Monday, November 17, 2008
1:30 p.m.**

**Riley County Office Building
Second Floor Meeting Room**

Members Present: Robert Buchanan
Tom Finney

Staff Present: Bob Isaac – Planner
Kelsey Strickler – Clerical Assistant
Steve Higgins – Zoning Enforcement Officer

Others Present: Greg Wilson – owner of G&T LCC
Ronald Sowell, Scott Sowell,
Vern Bulk – Representing Manhattan Township

The minutes of the October 20, 2008 meeting were approved.

G&T LLC – (REQUEST A 5-PHASE BORROW PIT FOR RESOURCE EXTRACTION)

Robert Buchanan opened the public hearing.

It was moved and seconded to take the request of G&T LLC, petitioner and Greg & Theresa Wilson, owners, for a conditional use authorization to permit a 5-phase borrow pit for resource extraction, from the table.

Bob Isaac, Planner, refreshed the Board by presenting the staff report which included the background of the subject property. Mr. Isaac explained that the owners proposed a plan to excavate certain portions of the 84.5-acre tract in five (5) separate phases, each phase consisting of five year increments. Mr. Isaac stated that there is currently a small borrow pit at this north end of the site leftover from an operation too small to require a conditional use. Mr. Isaac stated that the entire site is within the designated floodway and consists entirely of prime agricultural soils. Mr. Isaac stated that the site is a mix of agricultural uses and open grasslands. Mr. Isaac stated that the Applicant intends to continue leasing the ground for agricultural production until such time it is needed for excavation. Mr. Isaac stated that Temple Lane is the only roadway serving the site and the primary source of fugitive dust. Mr. Isaac stated that Mr. Wilson plans to reclaim the north portion of the site with a pond. Mr. Isaac agreed that a pond would be suitable.

Mr. Isaac stated that some of the previous concerns from the previous meeting are as follows:

1. Safety concerns at the Linear Trail/Temple Lane intersection
2. Dust control
3. Insufficient width of Temple Lane

4. Security of the site

Mr. Isaac informed the Board that he had performed a site visit and found that there were metal posts with reflectors on Linear Trail on either side of Temple Lane. Mr. Isaac explained that there was clear visibility of Temple Lane in both directions.

Mr. Isaac stated that the wording of the condition regarding dust control was modified as per the Township, the Applicant and the Board.

Mr. Isaac read the new conditions into the record.

Mr. Isaac emphasized that one of the concerns regarding the request was securing excavation areas from illegal dumping and adventurers.

Mr. Wilson suggested a cable on the front post to secure the pit.

Mr. Isaac disagreed and stated to the Board that, because of the topography of the area (no ditches along Temple Lane), a couple posts and a cable would not be sufficient. Mr. Isaac recommended to the Board that Mr. Wilson secure 50% of any area being mined, including 100% of areas fronting Temple Lane.

Scott Sowell stated that he didn't disagree with the request, but is still concerned with dust control, security, and keeping his well water from getting contaminated. Mr. Sowell stated that he is concerned that illegal dumping could result in contaminating the ground water in the area.

A suggestion was made to have the Applicant responsible for testing the wells in the area on a bi-annual basis.

Mr. Isaac stated that it may be difficult implementing and enforcing a condition making the Applicant responsible for water wells located on neighboring property.

Mr. Sowell stated that he thought casings were a good idea and there would be no problem giving access to check the wells on his property.

Steve Higgins, Zoning Enforcement Officer, stated that landowners should be keeping track that the wells are being checked.

Mr. Isaac created and recommended a condition that water wells will be tested on semi-annual basis and a copy of the results given to the Planning and Development Department.

Mr. Buchanan agreed to the condition and stated that the wells should be checked before the borrow pit operation commences, so the quality of the groundwater is known.

Mr. Isaac modified conditions #8, #11, #13 and added condition #14. Mr. Isaac asked the Board if there was agreement on the rest of the conditions.

Mr. Finney motioned to approve the Conditional Use in accordance with the conditionals and recommendations listed in the staff report.

Mr. Buchanan seconded. Motion carried 2-0.

The Board informed the petitioner that anyone disagreeing with the decisions of the Board could file an appeal with the district court within thirty days.

Mr. Isaac informed the Board that Mr. Wilson was very helpful, patient, and cooperative with the whole process.

Meeting was adjourned.